

VIA EXPRESS MAIL (Label No. EV375956084US)

PATENT  
Docket No. 393032020000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Motoichi TAMURA

Application No.: 09/667,945

Filed: September 22, 2000

For: METHOD AND APPARATUS FOR  
PRODUCING A WAVEFORM USING A  
PACKET STREAM

RECEIVED

NOV 09 2004

Technology Center 2600  
Group Art Unit: 2655

Examiner: Michael N. Opsasnick

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

The documents listed on the attached Form PTO-1449 were cited in a Japanese office action mailed on September 14, 2004 directed to a counterpart application. Japanese and English translations of this office action are attached. A certification under 37 C.F.R. § 1.97(e)(1) follows:

11/09/2004 AWDNDAF1 00000162 031952 09667945  
03 FC:1806 180.00 DA

la-757380

The undersigned hereby certifies that each item contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

This Information Disclosure Statement is submitted

- ☒ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_\_ is enclosed.
- ☒ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.

On September 22, 2000 an information disclosure statement was submitted to the Patent Office enclosing European Publication No. 0847039, and on January 31, 2001, another information disclosure statement was submitted enclosing European Publication No. 0907160. Please note that the enclosed Japanese Laid Open Publication Nos. 10-214083 and 11-167382 respectively correspond to these European prior art documents.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

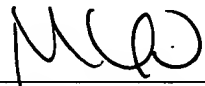
The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Director to charge the cost of

such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 393032020000. However, the Director is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 4, 2004

Respectfully submitted,

By:   
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Registration No. 48,231

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(Translation)

Notice of Grounds for Rejection (Office Action)

Mailing Date: September 14, 2004

Re: Patent Application No. HEI 11-273131  
Date of Action: September 6, 2004  
Examiner: Shinji KOMIYA  
Applied Article: Section 29 subsection 2

The present application should be rejected for the following grounds. If the applicant wants to argue against the rejection, an argument shall be filed within 60 days after the mailing date of this notice, i. e. by November 13, 2004.

GROUND

The invention as defined in the following claim of the present application shall not be patented under the provision of Japanese Patent Law, Section 29 subsection 2, because they could have been easily made, prior to the filing of the application, by a person skilled in the art, on the basis of the inventions described in the following publication distributed in this or other country prior to the filing of the application.

Detailed Comments (for citations, see the LIST OF CITATIONS below)

Regarding Claims 1, 2 and 10 (Citation 1):

Citation 1 discloses generating rendition style data in accordance with user's designation and generating tones on the basis of tone color control data corresponding to a rendition style. Citation 1 also discloses generating a tone generation schedule in the form of control data for a predetermined time period and using the tone generation schedule for control purposes.

Here, the rendition style data are information from which a rendition style is identifiable, and the tone color control data and the tone generation schedule are data designating tone generation timing, tone color variation, tone pitch variation, amplitude variation, waveform variation, etc. Because the tone generation is carried out on the basis of these data, these data can be considered to correspond to a stream of data forming a basis of waveform generation in the instant application. Since handling data in a packet form is a well-known technique, it can be considered that the inventions of claims 1, 2 and 10 in the instant application are obvious to those skilled in the art.

Regarding Claims 3-5 (Citation 1 and 2):

Citation 2 discloses performing stretch/compression control on a tone waveform comprising a plurality of constituent elements. It can be clearly seen that the time positions of the individual constituent elements are modified and shifted forward or rearward. Thus, as regards the tone generation schedule disclosed in Citation 1 as well, modifying the timing of any of a series of data to be shifted forward or rearward could have been easy or obvious through exercise of the ordinary creative capability of those skilled in the art. Also, using a random number is a matter of mere design choice.

Regarding Claims 6-8 (Citation 1 and 2):

Citation 1 discloses that the tone color control data comprise data designating tone pitch variation, amplitude variation, waveform variation, etc.

Regarding Claim 9 (Citation 1 and 2):

Technique of using data in a vector data format is disclosed in Citation 2, and thus the invention of claim 9 in the instant application could have been obviously thought out from Citations 1 and 2.

At the moment, there appears to be no particular ground of rejection regarding the other claims than the above-mentioned; however, whenever any new ground for rejection is found, a further Office Action informing the new ground for rejection is issued.

#### LIST of CITATIONS

- Citation 1: Japanese Patent Application Laid-Open Publication No. HEI 10-214083  
(cf. [0008], [0070] and [0089] et, al. )
- Citation 2: Japanese Patent Application Laid-Open Publication No. HEI 11-167382  
(cf. [0038] and [0085] et, al. )

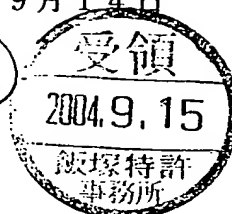
#### Record of Investigation Result of Prior Art References

- Technical Field Investigated: IPC 7th Edition G10H 1/00 - 7/12
- Prior Art References : Japanese Patent Application Laid-Open Publication  
No. HEI 04-301690

Note that this Record of Investigation Result of Prior Art References in no way constitutes grounds of rejection.

## 拒絶理由通知書

11/13



特許出願の番号	平成 1 1 年 特許願 第 2 7 3 1 3 1 号
起案日	平成 1 6 年 9 月 6 日
特許庁審査官	小宮 慎司 9 5 6 7 5 C 0 0
特許出願人代理人	飯塚 義仁 様
適用条文	第 2 9 条第 2 項

101-10-

33294-3

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から 6 0 日以内に意見書を提出して下さい。

## 理 由

この出願の下記の請求項に係る発明は、その出願前日本国内又は外国において頒布された下記 of 刊行物に記載された発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第 2 9 条第 2 項の規定により特許を受けることができない。

記 (引用文献等については引用文献等一覧参照)

## ・請求項 1、2、1 0 について (引用例 1)

引用例 1 には、指定によって奏法データを発生し、奏法に応じた音色制御データに基づいて楽音を生成することが記載されている。また、所定期間に亘る制御データである発音スケジュールを生成し、制御に用いることも記載されている。

ここで、奏法データは奏法を識別しうる情報であり、音色制御データ、発音スケジュールは、奏法に適した発音タイミング、音色変化、音高変化、振幅変化、波形変化等を指定するデータであり、これに基づいて楽音生成が行われるものであるから、本願における、波形を生成するための基となるデータのストリームに対応すると認められる。ここでデータをパケットの形態で扱うことは周知技術であるから、本願の請求項 1、2、1 0 に係る発明は、当業者であれば容易に想到し得たものと認められる。

## ・請求項 3 乃至 5 について (引用例 1 及び 2)

引用例 2 には、複数の構成要素からなる音波形を伸縮制御することが記載されているが、このとき各々の構成要素の時刻位置が補正され、前又は後にずらされていることは明らかである。よって、引用例 1 に記載された発音スケジュールについても、その一連のデータのいずれかのタイミングを前又は後にずらすように

補正することは、当業者の通常の創作能力の発揮によりなし得たことである。また、乱数を使うことは設計的な事項である。

・請求項 6 乃至 8 について（引用例 1 及び 2）

引用例 1 の音色制御データは、音高変化、振幅変化、波形変化等を指定するデータから構成されていることが記載されている。

・請求項 9 について（引用例 1 及び 2）

データをベクトルデータ形式で用いる技術は、引用例 2 に記載されているから、本願の請求項 9 に係る発明は、引用例 1 及び 2 から、当業者であれば容易に想到し得たものと認められる。

この拒絶理由通知書中で指摘した請求項以外の請求項に係る発明については、現時点では、拒絶の理由を発見しない。拒絶の理由が新たに発見された場合には拒絶の理由が通知される。

引 用 文 献 等 一 覧

1. 特開平 1 0 - 2 1 4 0 8 3 号公報  
（【0 0 0 8】【0 0 7 0】【0 0 8 9】等を参照）
2. 特開平 1 1 - 1 6 7 3 8 2 号公報  
（【0 0 3 8】【0 0 8 5】等を参照）

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先行技術文献調査結果の記録

・調査した分野     I P C 第 7 版   G 1 0 H     1 / 0 0   -     7 / 1 2

・先行技術文献     特開平 0 4 - 3 0 1 6 9 0

この先行技術文献調査結果の記録は、拒絶理由を構成するものではない。

この拒絶理由通知の内容に関するお問い合わせ、または面接のご希望がございましたら下記までご連絡下さい。

特許審査第四部 映像機器 小宮 慎司

TEL. 0 3 ( 3 5 8 1 ) 1 1 0 1   内線 3 5 3 9

FAX. 0 3 ( 3 5 0 1 ) 0 7 1 5

Form PTO-1449

Docket Number 393032020000

Application Number 09/667,945

**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION**

(Use several sheets if necessary)

Applicant

Motoichi TAMURA

Filing Date September 22, 2000

Group Art Unit 2655

Mailing Date November 4, 2004

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NOV 09 2004  
Technology Center 2600

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	1.	08/11/1998	10-214083	Japan			Abstract
	2.	06/22/1999	11-167382	Japan			Abstract

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.